IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3587 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.S. Karnik for the petitioner.

CORAM : Dr. D.Y. CHANDRACHUD, J.
DATE : 30TH JUNE, 2006

P.C.

. Section 9 (1)(b) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, provides a the right of the appeal to the Tribunal where an employee is superseded by the Management while making an appointment to any post by promotion. In the present matter the post of Head Master has not been filed in by the President of the Cantonment Board by promotion upon the retirement of the

incumbent and a working arrangement as a stop gap measure has been made for the discharge of the duties of the office. The Cantonment Board has resolved to constitute an interview Panel for conducting interviews for the post of Principal by promotion from the assistant teachers. The Tribunal was justified in holding that there is no supersession of the petitioner in the process of promotion. The procession of promotion is yet to be carried out. No interference is hence required at this stage. However in the event that the process of promotion is indefinitely delayed and is not carried out within a reasonable period, it will be open to the petitioner to move the appropriate forum.

. The Petition is dismissed.

(DR. D.Y. CHANDRACHUD, J.)